

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

Bevan Xavier Brooks, Sr.,	)	C/A No.: 2:13-cv-00315-TLW
<i>aka</i> Bevan Xavier Brooks,	)	
	)	
Petitioner,	)	
	)	
vs.	)	
	)	
Orangeburg County Detention Center,	)	
Nurse Candage, Lt. Wayne Wood, Cpl.	)	
Rhodan, Ofc. D. Byrd, Ofc. Winbourne,	)	
Ofc. Lark,	)	
	)	
Respondents.	)	
	)	

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**ORDER**

On February 5, 2013, the Plaintiff, Bevan Xavier Brooks, Sr. (“Plaintiff”), filed this civil action pursuant to 28 U.S.C. § 1983 alleging civil rights violations by Orangeburg County Detention Center, Nurse Candage, Lt. Wayne Wood, Cpl. Rhodan, Ofc. D. Byrd, Ofc. Winbourne, and Ofc. Lark (“Defendants”). (Doc. #1). Magistrate Judge Hendricks issued an order on February 25, 2013, directing the Plaintiff to keep the Clerk of Court advised in writing of any address change. (Doc. # 6). On March 6, 2013, Plaintiff filed a Motion for Preliminary Injunction, (Doc. # 9), requesting the Court to (1) order prison officials to provide certain office materials, (2) issue an order protecting the Plaintiff from “present dangers and all future possibilities of dangers,” and (3) issue an order transferring the Plaintiff to another facility. (Doc. #9). The Defendants filed a Motion for Summary Judgment on June 21, 2013, seeking dismissal of the action. (Doc. #36). The Magistrate Judge issued a Roseboro Order directing the clerk to

forward the summary judgment explanation to the Plaintiff and directing the Plaintiff to respond by July 29, 2013. (Doc. #38). The order was mailed on June 24, 2013, but was returned as undeliverable on July 8, 2013. (Docs. #39, 40). Thereafter, because the Plaintiff was proceeding *pro se*, the Magistrate Judge issued an order on August 15, 2013, extending the Plaintiff's time to respond until September 4, 2013. (Doc. #42). This order was mailed to the Plaintiff on August 15, 2013, but was returned as undeliverable on August 26, 2013. (Docs. #43, 45). The Plaintiff did not respond to the Motion for Summary Judgment.

The matter now comes before this Court for review of the Report and Recommendation ("the Report") filed by Magistrate Bruce Howe Hendricks, (Doc. #46), to whom this case had previously been assigned. In the Report, the Magistrate Judge recommends that the Court dismiss the action *with prejudice* for lack of prosecution and for failure to comply with this Court's orders, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and the factors outlined in Chandler Leasing Corp. v. Lopez, 669 F.2d 919, 920 (4th Cir. 1982). Objections to the Report were due by September 23, 2013, and the Report was mailed to the Plaintiff on September 5, 2013. (Docs. #46, 47). However, the Report was returned as undeliverable on September 16, 2013, (Doc. #48), and the Petitioner filed no objections to the Report.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. In the absence of objections to the Report, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4<sup>th</sup> Cir. 1983).

This Court has carefully reviewed the record and the Magistrate Judge's Report and Recommendation. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation, (Doc. #46), is **ACCEPTED**. The Plaintiff's Complaint (Doc. #1) is **DISMISSED** *with prejudice* for lack of prosecution and for failure to comply with this Court's orders, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and the factors outlined in Chandler Leasing Corp. v. Lopez, 669 F.2d 919, 920 (4th Cir. 1982). The Plaintiff's Motion for Preliminary Injunction (Doc. #9) is deemed moot in light of this order.

**IT IS SO ORDERED.**

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s/Terry L. Wooten  
Chief United States District Judge

October 31, 2013  
Columbia, South Carolina